

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

| | | |
|---------------------------|---|------------------|
| JOHNNY HUGHLEY, |) | |
| |) | |
| Petitioner, |) | |
| |) | CIVIL ACTION NO. |
| v. |) | 3:24cv81-MHT |
| |) | (WO) |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

OPINION

This lawsuit stems from petitioner's filing of a motion he styled a "Nunc Pro Tunc Motion to Reopen Case for Fraud Upon the Court Committed by the Court Itself to Obtain Conviction Rule 60(b)(3) & (6)" (Doc. 2), challenging a sentence that he finished serving many years ago. The case is now before the court on the recommendation of the United States Magistrate Judge that petitioner's motion be dismissed for lack of jurisdiction because it constitutes a successive 28 U.S.C. § 2255 motion filed without appellate-court authorization and because petitioner is not in custody for purposes of 28 U.S.C. § 2255(a). Also before the

court are petitioner's objections to the recommendation. After an independent and de novo review of the record, the court concludes that the objections should be overruled and the magistrate judge's recommendation adopted.

An appropriate judgment will be entered.

DONE, this the 19th day of March, 2024.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE